

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

DAVID W. QUALLS

PLAINTIFF

VS.

5:12-CV089-SWW

PROFESSIONAL CREDIT MANAGEMENT

DEFENDANT

ANSWER

Professional Credit Management, Inc., ("PCM"), by its attorneys, Marshall & Owens, a Professional Association, for its Answer to Complaint states as follows:

1. PCM is without sufficient information to form a belief with respect to the allegations contained in paragraphs 5, 6, 7, 8, 9, 10, 12, 15, 18, 21, 23, 24, 26, 27, 29, 31, 32, 33, 34, 35, of Plaintiff's Complaint and, therefore, denies the same.

2. PCM admits the allegations contained in paragraphs 1 through 3 of Plaintiff's Complaint.

3. PCM specifically denies the allegations contained in paragraphs 4, 11, 13, 14, 16, 17, 19, 20, 22, 25, 28, 30, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64.

4. PCM denies each and every allegation not specifically admitted herein.

5. PCM pleads all affirmative defenses available, including, but not limited to those defenses available under FRCP 8(c): accord and satisfaction; arbitration and award; assumption of risk; contributory negligence; discharge in bankruptcy; duress; estoppel; failure of consideration; fraud; illegality; injury by fellow servant; laches;

license; payment; release; res judicata; statute of frauds; statute of limitations; and waiver.

6. PCM affirmatively states that Plaintiff's suit is in bad faith and for the purpose of harassment. PCM reserves the right to motion the court for its costs and fees incurred in defending this suit.

WHEREFORE, PCM prays for relief as follows:

- (a) that Plaintiff's Complaint be dismissed and Plaintiff take nothing;
- (b) for its cost and attorney fees; and
- (c) for all other relief to which it is entitled.

Respectfully submitted,

Marshall & Owens, P.A.

P.O. Box 4034

Jonesboro, Arkansas 72403

By: /S/ Bryce D. Cook

Bar number 2009237

Attorneys for PCM

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#### CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing was made to the following by first class mail, postage prepaid, and by electronic filing through the Federal Judiciary's Case Management/Electronic Case Filing system:

Mr. David W. Qualls

P.O. Box 247

Jefferson, AR 72079

on this 3rd day of April, 2012.

/S/ Bryce D. Cook

Bryce D. Cook